

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Erik Riedel, et al.	Examiner:	Ali S. Abyaneh
Serial No.:	09/972,385	Group Art Unit:	2137
Filed:	October 5, 2001	Docket No.:	10014506-1
Title:	Secure File Access Control Via Directory Encryption		

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION: MPEP 711.03(C) AND 37 CFR 1.181**

Mail Stop **Petition**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Petition is filed in response to the Notice of Abandonment mailed December 12, 2006.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

Remarks

The above-identified application became abandoned for failure to file a timely reply to a Final Office Action mailed 02/03/2006. Petitioner submits evidence to show that this Final Office Action was never received. Petitioner respectfully requests the Director to withdraw the holding of abandonment based on failure to receive the Final Office Action.

Statement of Facts

- 1) According public PAIR, the U.S. PTO mailed a Final Office Action to Petitioner (Hewlett-Packard Co.) on 02/03/2006.
- 2) A search of the file jacket and docket records indicates that Petitioner never received the Final Office Action mailed 02/03/2006.
- 3) A copy of the docket record where the non-received Office Action (i.e., Final Office Action mailed 02/03/2006) would have been entered had it been received and docketed is attached hereto as an appendix.
- 4) The docket record (attached hereto as an appendix) does not include the Final Office Action mailed 02/03/2006.

Argument & Evidence

Petitioner (Hewlett-Packard) company never received the Final Office Action mailed 02/03/2006. In accordance with MPEP 711.03(c) and 37 CFR 1.181, Petitioner respectfully asks the Director to withdraw the holding of abandonment and re-mail the Final Office Action mailed 02/03/2006 (see *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971): "the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance").

Petitioner has searched the file jacket and docket records and concludes that the Final Office Action mailed 02/03/2006 was never received. A three month period was set in the non-received Office Action (i.e., Final Office Action mailed 02/03/2006).

Petitioner attaches hereto as an appendix a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office Action as documentary proof of non-receipt of the Office Action. The copy of the docket report thus shows all replies docketed from February 3, 2006 to May 3, 2006. As shown, this docket report does not include the Office Action (i.e., Final Office Action mailed 02/03/2006).

Petitioner further submits a Declaration of Maria D. Carroll in support the petition to withdraw the holding of abandonment based on failure to receive the Final Office Action of 02/03/2006.

For at least these reasons, Petitioner respectfully requests the Director to withdraw the holding of abandonment based on failure to receive the Office Action (i.e., Final Office Action mailed 02/03/2006).

Respectfully submitted,

/Philip S. Lyren #40,709/

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